

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 11
SABERTOOTH, LLC,	:	
GREEN GOBLIN, INC.,	:	Bky. No. 09-11237 ELF
	:	
Debtors.	:	JOINTLY ADMINISTERED
	:	
	:	
SABERTOOTH, LLC,	:	
GREEN GOBLIN, INC.,	:	
	:	
Plaintiffs,	:	Adv. No. 09-00067 ELF
	:	
v.	:	
	:	
WARREN SIMONS,	:	
	:	
Defendant.	:	

ORDER

AND NOW, upon consideration of: (1) the Plaintiffs’ Motion for Partial Summary Judgment, (2) the Defendant’s Cross Motion for Partial Summary Judgment and (3) the Defendant’s Motion for Partial Summary Judgment on the Issue of Damages, and the parties’ respective submissions in support thereof, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that:

1. Plaintiff Sabertooth's claim is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
2. All of the foregoing motions for partial summary judgment are **DENIED**.
3. Pursuant to Fed. R. Civ. P. 56(d)(1), it is **DETERMINED** that the following material fact is not at issue:

Plaintiff Green Goblin is not a third party beneficiary of the Standby Agreements entered into by Business Loan Center, Inc. and Joseph and Anne Proietto.

Date: January 18, 2011

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE